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April 12, 2004

Michigan Supreme Court
Clerk's Office
PO Box 30052
Lansing, MI 48909

Re: Proposed Amendments to Court Rules
Supreme Court ADM File No. 2003-04

Dear Clerk:

I am writing to object to the following proposed amendments to the Michigan Court Rules:

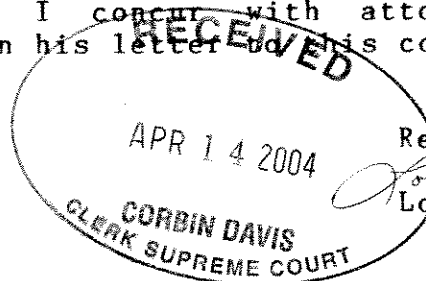
1) I object to the proposed amendment change to MCR 2.511 (F). If jurors are allowed to be impaneled in groups instead of one by one, it will hinder the voir dire process; attorneys will start to ask group questions instead of questioning jurors individually and will mistakenly miss asking individual jurors important questions that will help develop their prejudices or biases. There will be too much room for mistake if this rule is enacted.

2) I object to the proposed amendment change to MCR 6.004 (C). The "by clear and convincing evidence" standard is too high of a burden, and in this situation will be nearly impossible to prove; therefore, this rule will have no real teeth to it. Furthermore, it doesn't state which party will carry the burden of proof.

3) In regards to the proposed amendment change to MCR 6.110 (B), I suggest that prejudice should be presumed when the state causes the adjournment. The defendant should not carry the burden of proof.

4) I object to the proposed amendment change to MCR 6.504 (A). This rule should not be changed. The judge who presided over the trial is better suited to rule on any motion submitted to the court by a defendant.

In all other regards to the proposed amendment changes to the court rules I concur with attorney James Sterling Lawrence's comments in his letter to this court on this subject.



Respectfully submitted,
Lorenzo Harrell
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